

**The Bill Blackwood
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Non Lethal Weapons

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ABSTRACT

For today's law enforcement officer, the most precious and prized commodities are distance and space. The reader will learn that 5,036 Texas law enforcement officers were injured in the year 2003 because of close quarter contact with hostile and combative individuals. Ideally, if given the proper tools, law enforcement officers can execute an arrest without having to jeopardize their safety and well-being.

When injured on-the-job, a law enforcement officer is not the only person who is affected. In many instances, the community where the law enforcement officer works, the police department, and insurance carriers also become affected by an injured officer. On-the-job injuries resulting from interactions with hostile individuals add up to a large sum of benefits paid out when an officer is hurt while on-duty.

This research will demonstrate that it is important to provide law enforcement officers with a secondary, less lethal weapon. Ideally, this weapon will provide space and distance when dealing with combative individuals, the officer, the subject, or an innocent bystander. The research will also indicate that the costs from workman's compensation claims will also be reduced.

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INTRODUCTION

How much does safety cost? How much is the life of an officer worth? These questions are not easy questions to answer or measure with a monetary amount. What we can measure, is how much it costs a department to pay for an officer who is out of work due to a work related injury. Many agencies across Texas pay hefty amounts of money for insurance premiums and benefits paid out to officers due to a work related injury. In the years 2002 to 2004 Texas Municipal League Intergovernmental Risk Pool paid out approximately \$2,000,000.00 dollars a year for officers who were out of work resulting from a work related injury. These injuries were injuries resulting from close quarter contact with hostile and combative individuals (Texas Municipal League Intergovernmental Risk Pool 2002 – 2004).

The author will bring to light that many officers employed by police agencies in the state of Texas are being injured on duty when involved in close contact with hostile and combative individuals. Officers getting injured in these situations have the misfortune of having to deal with individuals who are hostile and combative in a congested and close environment. Many of these problems are derived either by poor training or lack of a secondary option to subdue the individual. Many officers in Texas follow similar use of force continuum when dealing with hostile and combative individuals, and this is where their problems arise. The use of force continuum begins when the officer arrives on scene – presence; the use of force continuum escalates to verbal commands, then to soft/hard hand contact, progressing to non lethal weapon, and finally lethal weapon (National Institute of Justice, 2004).

Many officers do not have a secondary means of defusing a situation, because they start off with presence, move onto verbal commands, and their next step is the use of deadly force. If officers were given additional options that allowed them to create distance and space between a hostile and combative individual, it would greatly reduce the possibility that the officer would be injured. It would reduce the financial loss for the department and the officer. It would also reduce the likelihood that an offender or an innocent bystander would be injured as a result of the confrontation.

Financial burdens that are brought upon by work related injuries can be substantially reduced by providing an officer with a less lethal weapon. There are many different types of less lethal weapons available and this research will show that if given the opportunity, on the job injuries can be reduced by equipping officers with a less lethal weapon. The cost for less lethal weapons are a smaller price to pay; ranging from a \$4.00 dollar 12 gauge fin stabilized projectile round to a \$2,000 dollar Arwen 37mm Weapon System (National Institute of Justice Report 2004) versus to the high costs of insurance premiums, benefits to officers who are out of work, or even payments for civil lawsuits filed against a department for injury or death.

This research will show that financially, less lethal weapons are more feasible to have than not to have. This research will demonstrate that law enforcement can dramatically benefit from equipping their officers with less lethal weapons.

REVIEW OF LITERATURE

Policing in today's standards has drastically changed from the 1900's. Gone are the days when a police officer was respected and admired. Gone are the days when a

verbal command from an officer made people comply. In today's law enforcement with the advent of technology, generation Y, and ever increasing single parent households officers are finding it harder and harder to make people comply with their commands.

Police Officers are finding themselves caught up in a one on one confrontation with hostile and combative individuals who are not willing to comply with an officer's verbal commands or presence. When this occurs, many officers across the state of Texas are forced to deal physically with these hostile and combative individuals. Many police departments do equip their officers with hand held batons; ASP batons or PR 24 batons. These batons are good secondary weapons to have, but a set back for these weapons, is that they are short-range weapons. Generally, these batons are 18 to 26 inches in length. This type of weapon does not create enough space between an individual and a police officer (personal communication, January 2005 – Tommy Cox). Subsequently, the officer will have to physically make contact with the individual to try and execute an arrest.

In 2003, 5036 Texas Law Officers were assaulted. (Texas DPS Statistics 2003) Of those 5036 officers assaulted 81% were assaulted because of Strong-Arm tactics in other words, the officer came into close contact with the individual who committed the assault. In contrast, only 4% of the officers assaulted were from the perpetrator using a firearm. (Texas DPS Statistics, 2003).

The question is would the officers who were assaulted lose time from work because of the injury? Thirty police departments of different sizes ranging from an 800 Man department to a four Man department were surveyed on this topic. Twenty-three of the agencies who participated indicated that averages of eight officers per year were

injured when dealing with combative and hostile individuals in a physical confrontation. Three of the departments surveyed indicated that they had not had any injuries resulting from confrontations with hostile and combative individuals, and four agencies surveyed did not answer this portion of the survey. Research indicates that there is a need to create space and distance for officers when they deal with hostile and combative individuals.

An option available to create space and distance from the officer and a hostile and combative individual are less lethal weapons. There is a large array of less lethal weapons out on the market. The most common weapons being used in the state of Texas are Oleoresin Capsicum – OC Spray, 12 gauge shot gun impact munitions – beanbag rounds, and TASER (Police Surveys).

Oleoresin Capsicum (OS spray) comes in many sizes capable of being used for large crowds or for an individual person. The most common type carried by some police agencies is the MK-4 handheld OC Dispenser (National Institute of Justice Report, 2004). This item is lightweight and is intended to be carried on a police officer's gear belt (Cox, 2005). This weapon is intended to allow an officer to enforce compliance on a hostile and combative individual up to fifteen feet. OC Spray causes a hostile or combative individual's eyes, mouth, throat, nose or any other part sprayed to have an intense burning sensation. OC Spray causes shallow breathing, nausea, lack of coordination, lack of upper body strength, and the feeling of disorientation (Lois Pilant, 2000). In other words, OC Spray takes the fight out of many hostile and combative individuals, thus reducing the possibility that an officer will have to engage in a physical confrontation. OC Spray does have some setbacks, such as over spraying

and the direction of the wind can cause for the officer dispersing the OC Spray possibly getting sprayed along with fellow officers. The effectiveness of this tool, also depends on the person been sprayed, because if the person has a high tolerance for pain, the person might continue fighting with the officer (Cox, 2005).

Impact munitions are devices that allow police officers to subdue and arrest potentially dangerous individuals with a less chance of causing injury to themselves, the individual, or an innocent bystander (National Institute of Justice, 2004). The most common type used is the beanbag round which is fired from 12 gauge shotguns or other similar type weapons.

The National Institute of Justice conducted a research and it was learned that 106 agencies were polled across the nation, and 373 incidents were reported in which impact munitions were used to subdue hostile and combative individuals. (National Institute of Justice 2004) The survey showed that in 90% on the cases, the confrontations were resolved without having to use lethal force. (National Institute of Justice, 2004) The survey indicated that in the 90% of the cases there was no injury reported from the officers who executed the arrest (National Institute of Justice 2004). This survey showed that even though impact munitions are successful, there were some instances where serious body injury and even death occurred. The correlation with injury / death and the use of impact munitions resulted in distance (National Institute of Justice, 2004). Many of the injuries / deaths reported were attributed to the officer discharging the impact munitions within ten feet of the hostile and combative individual (The Tactical Edge, 1998). It was learned from this survey, that the most

effective distance to discharge an impact munitions is greater than ten feet (National Institute of Justice, 2004).

Impact munitions are a good tool to have at a police department's disposal, but if it is not used correctly, it can be lethal (The Tactical Edge, 1998). In the National Institute of Justice report 2004 data showed that if an impact munitions is fired closer than ten feet, the projectile can cause broken bones. With the way law enforcement is trained to shoot (center mass) most officers shoot the same way with impact munitions. It was learned in the survey, that when hostile and combative individuals were shot on center mass within ten feet, they sustained broken ribs that either, punctured their lungs or heart. In one instance, the impact munitions penetrated an individual's flesh collapsing a lung.

The TASER (Thomas A. Swift Electric Rifle) is another alternative to create distance for an officer trying to subdue a hostile and combative individual (FBI Law Enforcement Bulletin March, 2005). The TASER is a weapon that fires two darts from a pistol like weapon, causing 50,000 volts of electrical current to pass into the individual's body (Laur, 2000). Today in the United States approximately 5400 agencies employ this electro-muscular device as a less lethal weapon (TASER, International). Since its deployment date of December 2000, the Orange County Sheriff's Department in Orange County Florida reported a reduction of 80% in officer injuries, a reduction of 78% in lethal force incidents, and an 80% reduction in workman's comp claims by officers (American Police Beat, 2005). In March 2005 a report from FBI International indicated that in Orange County Florida, 41 incidents were reported in which the TASER was deployed. In 23 of those incidents, it involved an individual actively resisting the officer

and 18 involved incidents where the officer would have been justified to use lethal force. (FBI Law Enforcement Bulletin March, 2005) Other large cities in the United States reported a large reduction of officer injuries and suspect injuries as a result of the introduction of the TASER. A rash of Police Officer related shootings in 2002 – 2003 plagued Cincinnati, Ohio and once the TASER was introduced in January 2004, the city saw a 40% reduction in suspect shootings and a 50% reduction on citizen complaints (American Police Beat, 2005). Smaller departments have also used the TASER. For example, Granite City, Illinois with a staff of 51 officers had an exaggerated cost of workman's comp claims totaling \$740,172.00 dollars prior to the TASER been introduced and once it was adopted in 2002, the Granite City Police Department has had close to no workman's comp claims for 2003 and 2004 (American Police Beat, 2005).

METHODOLOGY

The goal of this research is to find out if less lethal weapons allow officers to create distance and space between themselves and hostile and combative individuals. This research should demonstrate that less lethal weapons do assist in this facet. Additionally, less lethal weapons also prevent injury to the officer, the individual, or an innocent bystander. Liability will always be an issue in law enforcement, but as long as police agencies properly train their officers in the weapons that they use, liability can be minimized.

The author will poll thirty police agencies across the state of Texas with agencies ranging from size in work force and population. The author hopes to demonstrate with the research data and survey information that the use, cost, training, and safety benefits

outweigh the liability issues created by less lethal weapons. The safety and well-being of an agency's officers is the most important variable to this equation. Thus, it is imperative that less lethal weapons be used in greater numbers in today's law enforcement agencies to reduce the possibility of injuries to law enforcement officers and the offenders in the state of Texas.

FINDINGS

Five thousand thirty six Texas law enforcement officers were injured in the year 2003 is one law enforcement officer too many. The Texas Municipal Intergovernmental Risk Pool reported that in 2002 – 2003 \$1,903,664.00 dollars and in 2003 – 2004 \$2,162,275 dollars were paid out to officers as a result of been assaulted while working. (Texas Municipal League Intergovernmental Risk Pool, 2002 – 2004). It was learned, that 81% of the officers, which were injured, were from a result of close contact with hostile and combative individuals (Texas DPS Statistics, 2003). In the same year, the Orange County Sheriff's Office in Orange County Florida indicated that by the mere fact that their officers implemented a less lethal weapon protocol, they had a reduction of officer injuries when dealing with hostile and combative individuals by 50% (American Police Beat, 2005). If the state of Texas could produce the same results, that would be a drop in officer related injuries by approximately 1500 injuries per year. This is a large number that would greatly reduce loss to officers been out of work, insurance benefits been paid out, and department's been left with a loss of workers.

The vast majority of the agencies surveyed indicated that they preferred to use a secondary (less lethal) weapon when dealing with hostile and combative individuals. The agencies polled also stated that the number of confrontations between officers and

hostile and combative individuals are greater than the number of hostile and combative individuals seriously injured or killed by less lethal weapons. Of the 30 agencies that the author surveyed, 10% of them had 75 officers or more, but the other 90% had less than 50 officers. The smaller departments who do not have the work force available would be the departments that would benefit the most from not losing their officers to injuries. Research showed that the highest percent of work related injuries were from officers between 25 and 34 years of age, which represents the age of officers who primarily work out on the field (Texas Municipal League Intergovernmental Risk Pool, 2002 – 2004).

There is a great difference when an officer can engage a hostile and combative individual from 15 to 20 feet instead of less than 3 feet. With the distance that is provided by less lethal weapons, the officer has a greater opportunity to react and compensate for the hostile and combative individual's actions. In a close confrontation, the individual has the element of surprise, and the officer is left with a merely reaction mode. By allowing the officer space, the officer is on the offensive rather than the defensive. The officer will be able to determine if less lethal force is needed compared to lethal force. Many officers refuse to admit that taking a person's life is a difficult thing to do, but many officers would rather have an opportunity to apprehend a hostile and combative individual with a tool that would prevent them; the officer, the individual, or an innocent bystander from being injured. Police officers are always placed at a higher standard than the regular citizen is. A police officer is expected to make "the right" decision in split seconds. If officers were given the proper tools to make these split second decisions, they would make them correctly. When things are done correctly, the

probability of no one been injured is greater, than when the officers are sent into a scene with no tools at all.

Law enforcement has definitely changed since the 1900's that is why police departments across Texas need to change too. Police officers are people too, and even though many of them will not admit it, they are scared when they enter hostile and tense situations. If Texas police agencies would equip their officers with the correct tools (less lethal weapons) many injuries to the officer, the hostile and combative individual, and innocent bystanders would be diminished; not to mention that the cost for this type of service would be reduced.

CONCLUSION

In conclusion, this research will indicate that by equipping officers with less lethal weapons, space can be created and the hostile and combative individual can be made to comply. Many police agencies across the state of Texas still are not equipping their officers with less lethal weapons in order to stop hostile and combative individuals. Thus the large number of 5036 Texas police officers injured in 2003 looms over Texas. To police officers, space and distance is a valuable ally that is sometimes not present when officers are trying to subdue a hostile and combative individual. When officers do not have the luxury of space and distance, the officers are forced to compromise their safety and well-being for that of others. In many nations that would be the epitome of the term "Hero". In the police nomenclature, this is their every day work duties. Officers are injured daily across the state of Texas. This research expects to demonstrate that with the correct tools and training, the number of officers injured daily can be reduced. The ultimate goal of this research is to show that less lethal weapons are a valuable tool

for officers who have to deal with hostile and combative individuals. The liability issue will always loom over law enforcement, because today's society has become a lawsuit happy society. With correct training and supervision, the liability issue can be reduced.

This research is helpful and useful to law enforcement because a correlation can be deduced by showing that lack of space can lead to officers been injured when dealing with hostile and combative individuals (Texas DPS Statistics, 2003). Less lethal weapons create the space and distance that police officers need to make a hostile and combative individual comply with their commands and execute an arrest. Space and distance is an ally to prevent officers from been injured when dealing with these individuals.

Space and distance created by less lethal weapons can be measured by less insurance premiums, fewer officers lost to work related injuries, less civil law suits against departments, and less loss of life. Less lethal weapons are needed in today's modern police force.

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